

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

BARBARA J. RICCIO,

Plaintiff,

- against -

OPINION & ORDER
06-CV-708 (SJF) (WDW)

GENT UNIFORM RENTAL CORP.,

Defendant.

X

FEUERSTEIN, J.

On February 9, 2006, *pro se* plaintiff Barbara J. Riccio (“Plaintiff”) commenced this action against defendant Gent Uniform Rental Corp. (“Defendant”) alleging that she was subjected to employment discrimination. On November 2, 2006, the Court denied Defendant’s motion for a more definite statement. In the same order, the Court granted Plaintiff’s motion for leave to amend her complaint. The Court ordered Plaintiff to serve and file an amended complaint by November 23, 2006. Plaintiff failed to comply with the Court’s order.

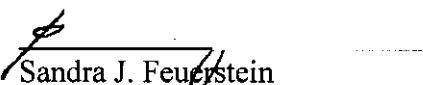
Accordingly, on May 10, 2007, the Court ordered Plaintiff to show cause, in writing, by May 31, 2007, why this action should not be dismissed for lack of prosecution and failure to comply with an order of the Court. On May 31, 2007, the Court received a letter application from Plaintiff asking that her case not be dismissed; however, Plaintiff did not file an amended complaint. On June 6, 2007, Defendant submitted an affidavit to the Court requesting that Plaintiff’s complaint be dismissed for lack of prosecution.

On June 7, 2007, the Court ordered Plaintiff to file an amended complaint by June 29,

2007.¹ The Court noted that failure to comply with its order would result in Plaintiff's complaint being dismissed with prejudice. Plaintiff has failed to file an amended complaint.

Accordingly, this action is dismissed with prejudice. The Clerk of the Court is directed to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

IT IS SO ORDERED.


Sandra J. Feuerstein
United States District Judge

Dated: July 24, 2007
Central Islip, New York

Copies to:

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533 Gardners Avenue
Levittown, NY 11756

John N. Fath
629 Route 112
Suite 7
Patchogue, NY 11772

¹ The Court attached a form complaint to its order for Plaintiff's convenience.